

Applicant: Robin Budd, *et al.*  
U.S.S.N.: 09/895,466  
Filing Date: June 29, 2001  
EMC Docket No.: EMC-00-066

### REMARKS

This paper is being provided in response to the November 6, 2006 Advisory Action for the above-referenced application. The Advisory Action has been carefully considered.

Entry and reconsideration of the subject application, as amended, is respectfully requested.

Claims 1-3, 5, 6 and 8-16 are pending and stand rejected. Claims 1 and 11 have been amended.

The Advisory Action states that the arguments presented in response to the Final Office Action are not persuasive in that applicant has argued that Ohran fails to teach “recognizing that the network between the applications is unavailable.” However, Ohran teaches a failover backup when a server fails and not when the network fails. Ohran teaches recognizing the network connection between the two computers 111 and 122 is unavailable.

Applicant continues to disagree with the reason for rejecting the claims. However, the independent claims have been amended to state that the internal thread further enables transmission of the stored write packets via an alternate path. No new matter has been added. Support for the amendment may be found on page 21 paragraph [0046] (“the VNIC process in operation will transmit packets from the sender, such as User Data Protocol ... packets that normally work with the underlying IP protocol, not through the primary IP network 32 as shown in Fig. 1, but through an alternative network to the other VNIC process residing on a second computer.”).

Applicant respectfully requests that the claims be entered and after reconsideration removal of all claim rejections for any pending claims and allowance of those same pending claims.

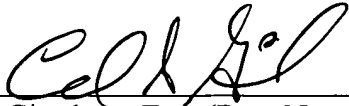
In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (914) 798 8505.

Kindly charge any fees required for consideration of this paper to EMC Corporation Deposit Account No. 05-0889 as denoted on the Transmittal Form, filed in duplicate herewith.

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Respectfully submitted,

Dated: 1/11/07

  
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